Civil Code of the PRC — Book VII: Tort Liability

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Chapter I — General Provisions

Article 1164 — This Book regulates the civil relations arising from the infringement of civil rights and interests.

Article 1165 — A person who infringes upon the civil rights and interests of another person through fault shall bear tort liability. Where a person is presumed to be at fault in accordance with the provisions of law and cannot prove that he is not at fault, he shall bear tort liability.

Article 1166 — Where a person causes damage to the civil rights and interests of another person, and the law provides that the actor shall bear tort liability regardless of fault, such provisions shall apply.

Article 1167 — Where an infringement endangers the personal safety or property safety of another person, the infringed party shall have the right to request the infringer to assume tort liability such as cessation of the infringement, removal of the nuisance, and elimination of the danger.

Article 1168 — Where two or more persons jointly commit an infringement and cause damage to another person, they shall bear joint and several liability.

Article 1169 — Where a person instigates or assists another person in committing an infringement, he shall bear joint and several liability with the actor. Where a person instigates or assists a person without capacity for civil conduct or with limited capacity for civil conduct to commit an infringement, the person shall bear tort liability; where the guardian of the person without capacity for civil conduct or with limited capacity for civil conduct fails to perform the guardianship duties, the guardian shall bear corresponding liability.

Article 1170 — Where two or more persons commit acts that endanger the personal safety or property safety of another person, and the damage is caused by a specific infringer or infringers who can be identified, the infringer or infringers shall bear liability; where the specific infringer or infringers cannot be identified, all the actors shall bear joint and several liability.

Article 1171 — Where the acts of two or more persons are each sufficient to cause the full damage, the actors shall bear joint and several liability.

Article 1172 — Where the acts of two or more persons each cause part of the same damage, and the share of liability of each can be determined, each shall bear corresponding liability; where the share of liability cannot be determined, each shall bear liability equally.

Article 1173 — Where the infringed party is also at fault for the occurrence or aggravation of the same damage, the liability of the infringer may be reduced.

Article 1174 — Where the damage is intentionally caused by the victim, the actor shall not bear liability.

Article 1175 — Where the damage is caused by a third party, the third party shall bear tort liability.

Article 1176 — Where a person voluntarily participates in recreational or sports activities with certain risks and suffers damage due to the acts of other participants, he shall not request the other participants to bear tort liability, unless the other participants intentionally or through gross negligence cause the damage. The liability of the organizer of the activity shall be governed by the provisions of Articles 1198 to 1201 of this Code.

Article 1177 — Where the lawful rights and interests of a person are infringed upon, and the situation is urgent and the protection by state authorities cannot be obtained in time, and the person will suffer irreparable damage to his lawful rights and interests if measures are not taken immediately, the victim may take reasonable measures such as detaining the property of the infringer within the scope necessary to protect his lawful rights and interests; however, he shall immediately request the relevant state authorities to handle the matter. Where the victim fails to request the relevant state authorities to handle the matter in a timely manner after taking the measures provided in the preceding paragraph, or the measures taken are improper and cause damage to another person, he shall bear tort liability.

Article 1178 — Where this Code or other laws provide otherwise for tort liability, such provisions shall apply.

Chapter II — Damages

Article 1179 — Where personal injury is caused by an infringement on another person, compensation shall be made for reasonable expenses for treatment and rehabilitation, such as medical expenses, nursing expenses, transportation expenses, nutrition expenses, and food subsidies for hospitalization, as well as the loss of income due to absence from work. Where disability is caused, compensation shall also be made for the cost of assistive devices and disability compensation; where death is caused, compensation shall also be made for funeral expenses and death compensation.

Article 1180 — Where the same infringement causes the death of two or more persons, the death compensation may be determined at the same amount.

Article 1181 — Where the infringed party dies, his close relatives shall have the right to request the infringer to bear tort liability. Where the infringed party is an organization and the organization is divided or merged, the organization succeeding to the rights shall have the right to request the infringer to bear tort liability. Where the infringed party dies, the person who has paid the medical expenses, funeral expenses, and other reasonable expenses for the infringed party shall have the right to request the infringer to make compensation for the expenses, unless the infringer has already paid such expenses.

Article 1182 — Where the infringement on the personal rights and interests of another person causes property loss, compensation shall be made in accordance with the loss suffered by the infringed party or the benefits obtained by the infringer as a result of the infringement; where it is difficult to determine the loss suffered by the infringed party and the benefits obtained by the infringer, and the infringed party and the infringer disagree on the amount of compensation and file a lawsuit with the people's court, the people's court shall determine the amount of compensation in light of the actual circumstances.

Article 1183 — Where the infringement on the personal rights and interests of a natural person causes serious mental distress, the infringed party shall have the right to request compensation for mental distress. Where the infringement on a specific object of personal significance to a natural person through intentional acts or gross negligence causes serious mental distress to the natural person, the infringed party shall have the right to request compensation for mental distress.

Article 1184 — Where property of another person is infringed upon, the property loss shall be calculated in accordance with the market price at the time of the loss or by other reasonable methods.

Article 1185 — Where the intellectual property rights of another person are intentionally infringed upon and the circumstances are serious, the infringed party shall have the right to request corresponding punitive damages.

Article 1186 — Where neither the victim nor the actor is at fault for the occurrence of the damage, the loss shall be shared by both parties in accordance with the provisions of law.

Article 1187 — After the damage has occurred, the parties may negotiate on the method of paying the compensation. Where the negotiation fails, the compensation shall be paid in a lump sum; where it is truly difficult to pay in a lump sum, payment in installments may be made, but the infringed party shall have the right to request a corresponding security.

Chapter III — Special Provisions on Tortfeasors

Article 1188 — Where a person without capacity for civil conduct or with limited capacity for civil conduct causes damage to another person, his guardian shall bear tort liability. Where the guardian has performed his guardianship duties, his tort liability may be reduced. Where a person without capacity for civil conduct or with limited capacity for civil conduct who has property causes damage to another person, compensation shall be made from his own property; the shortfall shall be paid by the guardian.

Article 1189 — Where a person without capacity for civil conduct or with limited capacity for civil conduct causes damage to another person, and the guardian has entrusted the guardianship duties to another

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person, the guardian shall bear tort liability; where the entrusted person is at fault, the entrusted person shall bear corresponding liability.

Article 1190 — Where a person with full capacity for civil conduct is temporarily unaware of his conduct or loses control and causes damage to another person, he shall bear tort liability if he is at fault; if he is not at fault, appropriate compensation shall be provided to the victim in light of the economic circumstances of the actor. Where a person with full capacity for civil conduct causes damage to another person due to intoxication or drug abuse and is temporarily unaware of his conduct or loses control, he shall bear tort liability.

Article 1191 — Where a staff member of an employer causes damage to another person in the performance of his work duties, the employer shall bear tort liability. After bearing tort liability, the employer may seek recovery from the staff member who committed the act intentionally or through gross negligence. During the period of labor dispatch, where a dispatched worker causes damage to another person in the performance of his work duties, the employer receiving the dispatched worker shall bear tort liability; where the employer dispatching the worker is at fault, the dispatching employer shall bear corresponding liability.

Article 1192 — Where a labor relationship is formed between individuals, and the party providing the labor services causes damage to another person in the course of providing the labor services, the party receiving the labor services shall bear tort liability. After bearing tort liability, the party receiving the labor services may seek recovery from the party providing the labor services who committed the act intentionally or through gross negligence. Where the party providing the labor services suffers damage in the course of providing the labor services, both parties shall bear corresponding liability in accordance with their respective faults. Where the party providing the labor services suffers damage due to the act of a third party in the course of providing the labor services, the party providing the labor services shall have the right to request the third party to bear tort liability, and also have the right to request the party receiving the labor services to provide compensation. After providing compensation, the party receiving the labor services may seek recovery from the third party.

Article 1193 — Where a contractor causes damage to a third party or to himself in the course of completing the work, the ordering party shall not bear tort liability. However, where the ordering party is at fault for the ordering, instruction, or selection, the ordering party shall bear corresponding liability.

Article 1194 — Network users and network service providers who use the network to infringe upon the civil rights and interests of another person shall bear tort liability, unless otherwise provided by law.

Article 1195 — Where a network user uses network services to commit an infringement, the right holder shall have the right to notify the network service provider to take necessary measures such as deleting, blocking, or disconnecting the link. The notification shall include the preliminary evidence of the infringement and the true identity information of the right holder. Upon receipt of the notification, the network service provider shall forward the notification to the relevant network user in a timely manner and take necessary measures in light of the preliminary evidence and the type of service constituting the infringement; where necessary measures are not taken in a timely manner, the network service provider shall bear joint and several liability with the network user for the aggravated part of the damage. Where the right holder causes damage to the network user or network service provider due to an erroneous notification, he shall bear tort liability, unless otherwise provided by law.

Article 1196 — Upon receipt of the forwarded notification, the network user may submit a statement to the network service provider that no infringement exists. The statement shall include the preliminary evidence that no infringement exists and the true identity information of the network user. Upon receipt of the statement, the network service provider shall forward the statement to the right holder who sent the notification and inform the right holder that he may file a complaint with the relevant authorities or file a lawsuit with the people’s court. Where the network service provider has not received the notice from the right

holder that he has filed a complaint or filed a lawsuit within a reasonable period of time after forwarding the statement to the right holder, it shall promptly terminate the measures taken.

Article 1197 — Where a network service provider knows or ought to know that a network user is using its network services to infringe upon the civil rights and interests of another person and fails to take necessary measures, it shall bear joint and several liability with the network user.

Article 1198 — Operators or managers of public places such as hotels, shopping malls, banks, stations, airports, sports venues, and entertainment venues, and organizers of mass activities, who fail to perform their duty of safety protection and cause damage to another person, shall bear tort liability. Where the damage is caused by a third party, the third party shall bear tort liability; where the operator, manager, or organizer fails to perform its duty of safety protection, it shall bear corresponding supplementary liability. After bearing supplementary liability, the operator, manager, or organizer may seek recovery from the third party.

Article 1199 — Where a person without capacity for civil conduct suffers personal injury during the period of study or life in a kindergarten, school, or other educational institution, the kindergarten, school, or other educational institution shall bear tort liability, unless it can prove that it has fulfilled its educational and management duties.

Article 1200 — Where a person with limited capacity for civil conduct suffers personal injury during the period of study or life in a school or other educational institution, and the school or other educational institution fails to fulfill its educational and management duties, it shall bear tort liability.

Article 1201 — Where a person without capacity for civil conduct or with limited capacity for civil conduct suffers personal injury caused by a third party other than the kindergarten, school, or other educational institution during the period of study or life in the kindergarten, school, or other educational institution, the third party shall bear tort liability; where the kindergarten, school, or other educational institution fails to fulfill its management duties, it shall bear corresponding supplementary liability. After bearing supplementary liability, the kindergarten, school, or other educational institution may seek recovery from the third party.

Chapter IV — Product Liability

Article 1202 — Where a defective product causes damage to another person, the manufacturer shall bear tort liability.

Article 1203 — Where a defective product causes damage to another person, the infringed party may claim compensation from the manufacturer or the seller of the product. Where the defect is caused by the manufacturer and the seller has paid compensation, the seller shall have the right to seek recovery from the manufacturer. Where the defect is caused by the fault of the seller and the manufacturer has paid compensation, the manufacturer shall have the right to seek recovery from the seller.

Article 1204 — Where the damage is caused by the fault of a third party such as a transporter or warehouseman, and the manufacturer or seller of the product has paid compensation, the manufacturer or seller shall have the right to seek recovery from the third party.

Article 1205 — Where a defective product endangers the personal safety or property safety of another person, the infringed party shall have the right to request the manufacturer or seller to bear tort liability such as cessation of the infringement, removal of the nuisance, and elimination of the danger.

Article 1206 — Where a defect is discovered after a product has been put into circulation, the manufacturer or seller shall take remedial measures such as stopping the sale, giving a warning, or recalling the product in a timely manner; failure to take remedial measures in a timely manner or where the remedial measures are ineffective and the defect causes aggravated damage, the manufacturer or seller shall also bear tort liability for the aggravated part of the damage. Where a product is recalled in accordance with the provisions of the

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preceding paragraph, the manufacturer or seller shall bear the necessary expenses incurred by the infringed party.

Article 1207 — Where a manufacturer or seller knowingly produces or sells a defective product, or fails to take effective remedial measures in accordance with the provisions of the preceding Article, resulting in the death of or serious damage to the health of another person, the infringed party shall have the right to request corresponding punitive damages.

Chapter V — Liability for Motor Vehicle Traffic Accidents

Article 1208 — Where damage is caused by a motor vehicle traffic accident, liability shall be borne in accordance with the relevant provisions of the Law on Road Traffic Safety and this Code.

Article 1209 — Where the owner, manager, and user of a motor vehicle are not the same person due to leasing, borrowing, or other circumstances, and damage is caused by a motor vehicle traffic accident, and the liability lies with the user of the motor vehicle, the user of the motor vehicle shall bear the compensation liability; where the owner or manager of the motor vehicle is at fault for the occurrence of the damage, the owner or manager shall bear corresponding compensation liability.

Article 1210 — Where the parties have transferred and delivered a motor vehicle by way of sale or purchase or other means but have not completed the registration of the transfer of ownership, and damage is caused by a motor vehicle traffic accident, and the liability lies with the transferee of the motor vehicle, the transferee shall bear the compensation liability.

Article 1211 — Where a transport vehicle engaged in road transport business activities by way of affiliated operations causes damage due to a motor vehicle traffic accident, and the liability lies with the party affiliated to the transport vehicle, the affiliated entity and the party operating the affiliated transport vehicle shall bear joint and several liability.

Article 1212 — Where a person drives another person’s motor vehicle without authorization and causes damage due to a motor vehicle traffic accident, and the liability lies with the user of the motor vehicle, the user of the motor vehicle shall bear the compensation liability; where the owner or manager of the motor vehicle is at fault for the occurrence of the damage, the owner or manager shall bear corresponding compensation liability, unless otherwise provided in this Chapter.

Article 1213 — Where damage is caused by a motor vehicle traffic accident, and the liability lies with the motor vehicle, compensation shall be paid first by the insurer within the liability limit of the compulsory motor vehicle insurance; the shortfall shall be compensated by the insurer within the liability limit of the commercial motor vehicle insurance in accordance with the insurance contract; and the remaining shortfall or the part not covered by commercial motor vehicle insurance shall be compensated by the infringer.

Article 1214 — Where damage is caused by a motor vehicle traffic accident involving a motor vehicle that has been assembled, has reached the scrapping standard, or has been transferred by other means prohibited by law, the transferor and the transferee shall bear joint and several liability.

Article 1215 — Where damage is caused by a motor vehicle traffic accident involving a motor vehicle that has been stolen, robbed, or snatched, the thief, robber, or snatcher shall bear the compensation liability. Where the thief, robber, or snatcher and the user of the motor vehicle are not the same person, and damage is caused by a motor vehicle traffic accident, and the liability lies with the user of the motor vehicle, the thief, robber, or snatcher and the user of the motor vehicle shall bear joint and several liability. Where an insurer pays for the rescue expenses within the liability limit of the compulsory motor vehicle insurance, it shall have the right to seek recovery from the person liable for the traffic accident.

Article 1216 — Where the driver of a motor vehicle flees after a traffic accident and the motor vehicle is covered by compulsory motor vehicle insurance, the insurer shall pay compensation within the liability limit of

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the compulsory motor vehicle insurance; where the motor vehicle is unknown, not covered by compulsory motor vehicle insurance, or the rescue expenses exceed the liability limit of the compulsory motor vehicle insurance, and it is necessary to pay the rescue expenses, funeral expenses, and other expenses for the personal injury or death caused by the motor vehicle traffic accident, the advance payment shall be made from the social assistance fund for road traffic accidents. After making the advance payment, the social assistance fund for road traffic accidents shall have the right to seek recovery from the person liable for the traffic accident.

Article 1217 — Where a motor vehicle not engaged in business operation causes damage due to a traffic accident, and the person using the motor vehicle without compensation is liable, and the damage is caused to the person providing the ride without compensation, the liability of the person using the motor vehicle without compensation shall be reduced, unless the person using the motor vehicle without compensation committed the act intentionally or through gross negligence.

Chapter VI — Liability for Medical Malpractice

Article 1218 — Where a patient suffers damage in the course of diagnosis and treatment, and the medical institution or its medical staff is at fault, the medical institution shall bear the compensation liability.

Article 1219 — Medical staff shall explain the patient's condition and the medical measures to the patient in the course of diagnosis and treatment. Where surgery, special examination, or special treatment is required, the medical staff shall explain the medical risks, alternative medical plans, and other matters to the patient in a timely manner and obtain the patient's express consent; where it is impossible or inappropriate to explain to the patient, the medical staff shall explain to the patient's close relatives and obtain their express consent. Where the medical staff fails to fulfill the obligations provided in the preceding paragraph and causes damage to the patient, the medical institution shall bear the compensation liability.

Article 1220 — Where the opinions of the patient or his close relatives cannot be obtained due to emergency situations such as the need to save the life of a dying patient, and immediate corresponding medical measures are needed upon approval of the person in charge of the medical institution or an authorized person in charge, such medical measures may be taken.

Article 1221 — Where medical staff fail to fulfill their duty of diagnosis and treatment commensurate with the prevailing medical standard and cause damage to the patient, the medical institution shall bear the compensation liability.

Article 1222 — Where a patient suffers damage in the course of diagnosis and treatment, and any of the following circumstances exists, the medical institution shall be presumed to be at fault: (1) violating the provisions of laws, administrative regulations, rules, and other provisions on the procedures for diagnosis and treatment; (2) concealing or refusing to provide medical records related to the dispute; or (3) losing, forging, tampering with, or illegally destroying medical records.

Article 1223 — Where a patient suffers damage due to a defect in a drug, disinfectant, or medical device, or the transfusion of substandard blood, the patient may claim compensation from the manufacturer or the blood supplier or from the medical institution. Where the patient claims compensation from the medical institution, the medical institution shall have the right to seek recovery from the liable manufacturer or blood supplier after paying compensation.

Article 1224 — Where a patient suffers damage in the course of diagnosis and treatment, and any of the following circumstances exists, the medical institution shall not bear the compensation liability: (1) the patient or his close relatives do not cooperate with the medical institution in carrying out diagnosis and treatment that meets the prevailing medical standard; (2) the medical staff have fulfilled their duty of diagnosis and treatment commensurate with the prevailing medical standard in emergency situations such as saving the life of a dying patient; or (3) it is difficult to diagnose and treat the patient due to the prevailing medical

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standard. Where the medical institution or its medical staff are also at fault under the circumstances provided in Item (1) of the preceding paragraph, they shall bear corresponding compensation liability.

Article 1225 — Medical institutions and their medical staff shall properly keep medical records such as inpatient records, medical orders, test reports, surgery and anesthesia records, pathology data, and nursing records in accordance with the provisions. Where a patient requests to consult or copy the medical records referred to in the preceding paragraph, the medical institution shall provide them in a timely manner.

Article 1226 — Medical institutions and their medical staff shall keep the privacy and personal information of their patients confidential. Anyone who divulges the privacy or personal information of a patient or discloses the patient's medical records without the patient's consent shall bear tort liability.

Article 1227 — Medical institutions and their medical staff shall not conduct unnecessary examinations in violation of the prevailing medical standard.

Article 1228 — The lawful rights and interests of medical institutions and their medical staff shall be protected by law. Anyone who interferes with the order of medical institutions, obstructs the work and life of medical staff, or infringes upon the lawful rights and interests of medical staff shall bear legal liability in accordance with the law.

Chapter VII — Liability for Environmental Pollution and Ecological Damage

Article 1229 — Where environmental pollution or ecological damage causes damage to another person, the infringer shall bear tort liability.

Article 1230 — Where a dispute arises over environmental pollution or ecological damage, the actor shall bear the burden of proving that he is not liable or that his liability may be reduced or exempted under the circumstances prescribed by law, and that there is no causal relationship between his act and the damage.

Article 1231 — Where environmental pollution or ecological damage is caused by two or more infringers, the extent of liability of each infringer shall be determined in light of factors such as the type, concentration, and quantity of the pollutants, the manner, scope, and degree of the ecological damage, and the role of the act in causing the damage.

Article 1232 — Where an infringer intentionally pollutes the environment or causes ecological damage in violation of the provisions of law, resulting in serious consequences, the infringed party shall have the right to request corresponding punitive damages.

Article 1233 — Where environmental pollution or ecological damage is caused by the fault of a third party, the infringed party may claim compensation from the infringer or from the third party. After making compensation, the infringer shall have the right to seek recovery from the third party.

Article 1234 — Where ecological damage is caused in violation of state regulations and the ecological environment can be restored, the authorities prescribed by the state or the organizations prescribed by law shall have the right to request the infringer to assume the liability for restoration within a reasonable period of time. Where the infringer fails to restore the ecological environment within the time limit, the authorities prescribed by the state or the organizations prescribed by law may restore the ecological environment by themselves or entrust others to restore it, and the expenses incurred shall be borne by the infringer.

Article 1235 — Where ecological damage is caused in violation of state regulations, the authorities prescribed by the state or the organizations prescribed by law shall have the right to request the infringer to compensate for the following losses and expenses: (1) losses caused by the loss of service functions from the time the ecological environment is damaged to the time the restoration is completed; (2) losses caused by permanent damage to the functions of the ecological environment; (3) expenses for investigation, appraisal, and assessment of the ecological environmental damage; (4) expenses for the removal of pollution and the restoration of the ecological environment; and (5) other reasonable expenses incurred to

prevent the occurrence or aggravation of the damage.

Chapter VIII — Liability for Ultrahazardous Activities

Article 1236 — Where damage is caused by an ultrahazardous activity, the person engaging in the ultrahazardous activity shall bear tort liability, unless the damage is intentionally caused by the victim or by force majeure. Where the victim is grossly negligent for the occurrence of the damage, the liability of the person engaging in the ultrahazardous activity may be reduced.

Article 1237 — Where damage is caused by a nuclear accident involving a civil nuclear facility or the nuclear materials transported into or out of the civil nuclear facility, the operator of the civil nuclear facility shall bear tort liability, unless the damage is caused by a war, armed conflict, riot, or other circumstances or is intentionally caused by the victim.

Article 1238 — Where damage is caused by a civil aircraft, the operator of the civil aircraft shall bear tort liability, unless the damage is intentionally caused by the victim.

Article 1239 — Where damage is caused by the possession or use of flammable, explosive, highly toxic, highly radioactive, highly corrosive, highly pathogenic, or other articles that are highly dangerous, the possessor or user shall bear tort liability, unless it can be proved that the damage was intentionally caused by the victim or by force majeure. Where the infringed party is grossly negligent for the occurrence of the damage, the liability of the possessor or user may be reduced.

Article 1240 — Where damage is caused by an aerial, high-pressure, or underground excavation activity or the use of high-speed rail transport vehicles, the operator shall bear tort liability, unless it can be proved that the damage was intentionally caused by the victim or by force majeure. Where the infringed party is grossly negligent for the occurrence of the damage, the liability of the operator may be reduced.

Article 1241 — Where damage is caused by lost or abandoned highly dangerous articles, the owner shall bear tort liability. Where the owner has delivered the highly dangerous articles to another person for management, the manager shall bear tort liability; where the owner is at fault, the owner shall bear joint and several liability with the manager.

Article 1242 — Where damage is caused by the illegal possession of highly dangerous articles, the illegal possessor shall bear tort liability. The owner or manager shall bear joint and several liability with the illegal possessor if the owner or manager cannot prove that it has fulfilled its duty of care to prevent illegal possession by another person.

Article 1243 — Where a person enters an area of ultrahazardous activities or an area where highly dangerous articles are stored without authorization and suffers damage, the liability of the manager may be reduced or exempted if the manager can prove that it has taken sufficient safety measures and fulfilled its duty of adequate warning.

Article 1244 — Where the law provides for a limit on the amount of compensation for ultrahazardous activities, such provisions shall apply, unless the actor committed the act intentionally or through gross negligence.

Chapter IX — Liability for Harm Caused by Domestic Animals

Article 1245 — Where a domesticated animal causes damage to another person, the keeper or manager of the animal shall bear tort liability, unless it can be proved that the damage was caused by the intentional act or gross negligence of the infringed party, in which case the liability may be exempted or reduced.

Article 1246 — Where a domesticated animal causes damage to another person in violation of administrative regulations and fails to take safety measures for the animal, the keeper or manager of the animal shall bear tort liability, unless the damage was intentionally caused by the infringed party, in which case the liability may

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be reduced.

Article 1247 — Where a dangerous animal such as a fierce dog, the breeding of which is prohibited, causes damage to another person, the keeper or manager of the animal shall bear tort liability.

Article 1248 — Where an animal in a zoo causes damage to another person, the zoo shall bear tort liability, unless it can prove that it has fulfilled its management duties.

Article 1249 — Where an abandoned or escaped animal causes damage to another person during the period of abandonment or after escape, the original keeper or manager of the animal shall bear tort liability.

Article 1250 — Where an animal causes damage to another person due to the fault of a third party, the infringed party may claim compensation from the keeper or manager of the animal or from the third party. After making compensation, the keeper or manager of the animal shall have the right to seek recovery from the third party.

Article 1251 — When keeping animals, the provisions of laws and regulations shall be observed, social ethics shall be respected, and the lawful rights and interests of others shall not be interfered with.

Chapter X — Liability for Harm Caused by Buildings and Objects

Article 1252 — Where a building, structure, or other facility collapses or subsides and causes damage to another person, the construction unit and the construction contractor shall bear joint and several liability, unless the construction unit and the construction contractor can prove that there is no quality defect. Where the collapse or subsidence is caused by the fault of a person other than the owner, manager, user, or third party, the owner, manager, user, or third party shall bear tort liability.

Article 1253 — Where a building, structure, or other facility and its placed or suspended objects fall off or fall and cause damage to another person, the owner, manager, or user shall bear tort liability if they cannot prove that they are not at fault. After the owner, manager, or user makes compensation, they shall have the right to seek recovery from other liable persons if there are any.

Article 1254 — Throwing objects from a building is prohibited. Where objects thrown from a building or objects falling from a building cause damage to another person, the infringer shall bear tort liability in accordance with the law; where it is difficult to identify the specific infringer upon investigation, all users of the building who may have caused the damage shall provide compensation, unless they can prove that they are not the infringer. After making compensation, the users of the building who may have caused the damage shall have the right to seek recovery from the infringer. Property service enterprises and other building managers shall take necessary safety protection measures to prevent the occurrence of the circumstances provided in the preceding paragraph; where necessary safety protection measures are not taken, they shall bear tort liability for failure to perform their safety protection obligations in accordance with the law. Where the circumstances provided in the first paragraph of this Article occur, the public security and other authorities shall promptly investigate and identify the liable person in accordance with the law.

Article 1255 — Where a stack of objects collapses, rolls down, or slides down and causes damage to another person, the person who stacked the objects shall bear tort liability if he cannot prove that he is not at fault.

Article 1256 — Where damage is caused to another person by the stacking, dumping, or scattering of objects on a public road that obstructs passage, the actor shall bear tort liability. Where the public road manager cannot prove that it has fulfilled its duties of clearance, protection, warning, and the like, it shall bear corresponding liability.

Article 1257 — Where damage is caused to another person by the breaking or toppling of a tree, the owner or manager of the tree shall bear tort liability if he cannot prove that he is not at fault.

Article 1258 — Where an excavation, repair, or installation of underground facilities or other underground work in a public place or on a public road causes damage to another person, the constructor shall bear tort liability if he cannot prove that he has set up clear signs and taken safety measures. Where a manhole or other underground facility causes damage to another person, the manager shall bear tort liability if he cannot prove that he has fulfilled his management duties.

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